

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

PAUL L. MURPHY,
Plaintiff,

v.

PAUL COTTON, M.D.,
Defendant.

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File No. 1:05-CV-30

ORDER

The Magistrate Judge's Report and Recommendation was filed August 9, 2006. (Paper 63.) After de novo review and absent specific objection by the Plaintiff,¹ the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1). The Defendant's motions to dismiss and for summary judgment (Papers 37 and 57) are GRANTED, and the case is hereby DISMISSED. Plaintiff's motions for discovery (Papers 38, 46, 50, 51, 53, and 59), for a hearing (Papers 58 and 66), and for trial (Papers 44, 45, 48, 61 and 64) are DENIED as moot.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 25th day of August, 2006.

/s/ J. Garvan Murtha
J. Garvan Murtha
United States District Judge

¹ In response to the Report and Recommendation, Plaintiff filed a "Motion to Appeal" (Paper 65). Construing the filing as an objection to the Report under Fed. R. Civ. P. 72(b), the filing is insufficient. To the extent the filing, seeking to "refile" the complaint, is a motion to amend the complaint a second time, the motion is DENIED.